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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Illegal exploitation of natural resources in Western Sahara
A violation to economic rights and a threat to peace

Facts of the illegal exploitation:

Oil:

San Leon Energy plans to begin drilling onshore, including in the capital city occupied El Aaiun, this month (August 2015).

Kosmos Energy and Cairn Energy are currently drilling offshore Boujdour.

Total, Teredo Oil and others have signed (with the Moroccan state oil company ONHYM) for offshore blocks further south.

ONHYM is carrying out exploration onshore Boujdour.

Phosphates:

Total exported volume of Phosphate from Western Sahara in 2014 was estimated at 2.1 million tonnes, with an estimated value of $230 million.

The Canadian company Agrium Inc and the Lithuanian company Lifosa AB accounted for 58% of all purchases from Western Sahara in 2014.

Of the nine identified importing companies in 2014, five are listed on international stock exchanges or are majority owned by enterprises which are listed. All have been subject to ethical blacklisting for their practices.

Fisheries:

94% of licenses for traditional fishing are awarded to Moroccan settlers, whilst large trawlers are now dominating the fisheries, causing significant damage to ecosystems and the environment and using unsustainable methods that threaten stocks.

EU member states benefit from Saharawi fisheries via the illegal EU-Morocco Fisheries Agreement. Several other foreign governments also profit from the plunder.

Agriculture:

There are at least 11 agricultural sites in the region of occupied Dakhla, all owned by the Moroccan king, Mohamed VI, powerful Moroccan conglomerates or French multinationals.

60,000 tons of agricultural products were exported from Dakhla in 2010.

95% of the tomatoes, cucumbers and melons produced in occupied land reach foreign markets labelled as Moroccan products, which is an additional fraud from the Moroccan or other foreign producers.

Renewable energy:

Morocco plans to build over 1000 megawatts of renewable energy (solar and wind) plants in Western Sahara.

As of today, the energy production from solar and wind sources in Western Sahara constitutes at most 5.5% of Morocco's total energy production from renewable sources.

By 2020, the amount could be increased to an astonishing 26.4%.

Right to natural resources:

The Saharawi people's right to their natural resources is a Human Right, Article 1 of the International Covenant on Civil and Political Rights ICCPR (of which Morocco is a state party):

"[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

Exploitation of natural resources without the consent of the Saharawi people:

Contravenes the Geneva Convention on the treatment of natural resources in an occupied territory and therefore constitutes the war crime of plunder

Directly undermines the UN peace and decolonisation process.

Contravenes the UN's legal opinion of 2002 on the matter ("...if further exploration and exploitation activities were to process in disregard of the interests and wishes of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self Governing Territories" (UN Doc.S/2006/161)

Helps to financially maintain and strengthen the Moroccan occupation

Show complicity in human rights abuses. Saharawis in the Occupied Territories are being subject to grievous human rights violations for protesting against companies involved in the exploitation of resources and the UN's inaction on the matter.

Requests for OHCHR

Clear condemnation by the UN relevant bodies of the specific companies' involved in resource exploitation.

An urgent denunciation of San Leon Energy plans to exploit Oil in the occupied zones is required.

A mandate for MINURSO to monitor foreign exploitation of natural resources and human rights abuses in occupied Western Sahara.

Refuse participation of companies involved in natural resource exploitation in occupied Western Sahara in the UN Global Compact.

Further Reading

On the fisheries exploitation: Saharawi Natural Resources Watch (OSRN), Poor People in a Rich Country, 2013, http://www.wsrw.org/files/dated/2013-11-26/snrw_report_eng2013.pdf (to read the full and exhaustive report in Arabic: http://www.sadr-emb-au.net/wp-content/uploads/2013/12/SNRW_Report_On_Fisheries_Arabic28.pdf)

On the phosphates: Western Sahara Resource Watch (WSRW), P for Plunder, March 2015, http://wsrw.org/files/dated/2015-03-11/p_for_plunder_2014_web.pdf

On the renewable energy: Dirty Green March, August 2013, http://www.wsrw.org/a217x2638

On the oil: A Platform for Conflict, October 2014, http://www.wsrw.org/files/dated/2014-10-16/a_platform_for_conflict_web.pdf

On the agricultural produce: Label and Liability, June 2012, http://www.wsrw.org/a214x2321